



DEPARTMENT OF STATE

ISSUE: PARENT FIELDS ON U.S. PASSPORT APPLICATION

POLICY DESCRIPTION: The U.S. passport application form requires information on an applicant's parents, specifically an applicant's "mother" and "father." For minor applicants under age 16, the passport application requires an applicant's "mother" and "father" to present themselves to the passport acceptance agent to sign the parental fields of the application.

Many children in the U.S. have two mothers or two fathers, rather than one mother and one father, as is presumed on the U.S. passport application. Census 2000 figures estimate that 27% of same-sex couples in the United States are raising children. In California alone, for example, over 70,000 children are being raised by same-sex couples. In the Northeast and Western states, where there is the highest concentration of same-sex couples raising children, both same-sex parents are likely to have legally recognized relationships with their children due to the availability to same-sex couples of parenting orders, second-parent/step-parent adoption, and state-level spousal-equivalent unions such as marriage, civil unions or domestic partnerships.

Therefore, the U.S. passport application form is not inclusive of applicants with two parents of the same sex.

RECOMMENDED CHANGE: We recommend that "parent 1" and "parent 2" replace "mother" and "father" in the parent fields on the U.S. passport application. This change will make the application inclusive of applicants who come from families headed by two parents of the same sex.

PROCESS FOR MAKING CHANGES: The Secretary of State has express authority to regulate the issuance of passports under 22 U.S.C. §211a and Executive Order No. 11295 (Aug 5, 1966). Public Law 106-113 additionally sets forth specific requirements relating to the issuance of passports to minors under age 14. State Department regulations implementing these statutes further detail application requirements.



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Neither the authorizing statutes nor the implementing regulations use gender-specific parent terms (i.e., “mother” and “father”). Nor does either mandate that such terms be used on passport forms. Accordingly, the passport application form may be redrafted from “mother” and “father” to “parent 1” and “parent 2” without violations of, or changes to, existing statutes or regulations.

The Office of Consular Affairs (L/CA) within the Departments of State’s Office of the Legal Advisor is responsible for drafting regulations and other legal documents related to passports. Accordingly, this office has the authority to make the recommended change.